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9 35 AM '67

FROM : Department of State

SUBJECT : U.S.S. Liberty claims

REF. :

1967 DEC 19 AM 10 04
CDF/TLG-PBR

Enclosed herewith are the following notes for transmission to the Ministry for Foreign Affairs:

1. A draft note stating the legal basis of the claims which the United States Government will present against the Government of Israel in connection with the attack on the U.S.S. Liberty by Israeli air and naval units on June 8, 1967, and indicating the categories of claims which will be presented (Enclosure No. 1).

2. Thirty-four notes, constituting individual claims in each of the death cases (Enclosure No. 2). Because of the volume of material, these have been typed in final in the Department. They require numbering and dating by the Embassy; numbering should begin immediately following the note transmitted as Enclosure No. 1. The notes have been transmitted to the Embassy in alphabetical order, based on the name of the deceased, and should be numbered in that order.

The Embassy is requested to transmit all notes to the Ministry for Foreign Affairs simultaneously, informing the Department telegraphically when they have been transmitted.

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Drafted by:	Drafting Date	Phone No.	Contents and Classification Approved by:
L:L/C:ELKerley:ams	1/22/67	5856	L:Carl F. Salans

Clearances: FAKwiatek

NEA/IAI - Mr. Lambrakis GBL

The Embassy should indicate to the Ministry for Foreign Affairs that the Department will inform interested members of Congress that the death claims have been filed, and will indicate to them the total amount of compensation claimed but not the amounts of compensation in individual claims. The Department does not plan to issue a press release but will, in reply to inquiries, indicate that the claims have been presented and the total amount of compensation claimed.

RUSK

Enclosure:

Draft Note (with attachments)

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DRAFT NOTE

Enclosure No. 1
Department's A-____
to Tel Aviv

The Embassy of the United States of America presents its compliments to the Ministry for Foreign Affairs of Israel and has the honor to refer to the note of the Ambassador of Israel to the Secretary of State, dated June 10, 1967, the note of the Secretary of State to the Ambassador of Israel, dated June 10, 1967, and the note of the Ambassador of Israel to the Secretary of State, dated June 12, 1967, concerning the attack by Israeli air and naval units against the U.S.S. Liberty on June 8, 1967. In his note of June 10, 1967 to the Secretary of State, the Ambassador of Israel, after expressing the regret of his Government, stated, on instruction, "that the Government of Israel is prepared to make amends for the tragic loss of life and material damage." In his note of the same date to the Ambassador of Israel, the Secretary of State, in reply, after reviewing the circumstances of the attack, stated the expectation of "the United States Government ... that the Government of Israel will provide compensation in

accordance with international law." In his reply note, dated June 12, 1967, the Ambassador of Israel recalled that as soon as the Government of Israel became aware of the attack it informed the Government of the United States what had taken place, and that "the Government of Israel immediately assumed responsibility for this error." The Ambassador further recalled that the Government of Israel had taken the initiative "to offer to make amends for the tragic loss of life and material damage" and stated further that "the Government of Israel renews its readiness to make amends."

The United States Government has proceeded to compile the information necessary to present to the Government of Israel claims for compensation as a result of the attack on the U.S.S. Liberty to the extent recognized by international law. The claims that the Government of the United States will present fall into the following categories:

1. Claims on behalf of those suffering loss as a result of the deaths of thirty-four members of the crew of the vessel.

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2. Claims on behalf of the approximately one hundred sixty-two members of the crew who suffered personal injuries.

3. The claim of the Government of the United States for physical damage to the U.S.S. Liberty.

4. The claim of the Government of the United States for reimbursement of amounts expended for medical treatment of the injured personnel.

5. The claim of the Government of the United States for the value of lost services of injured personnel.

6. The claim of the Government of the United States for amounts expended in reimbursing the crew for personal property lost or destroyed.

Claims on behalf of those suffering loss as a result of the deaths of thirty-four members of the crew of the U.S.S. Liberty are being submitted today

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to the Government of Israel in a series of separate notes. In view of the substantial economic hardship suffered by these claimants, the United States Government trusts that the Government of Israel will expeditiously process and pay these claims.

The remaining claims will be presented periodically as the evidence establishing the amount of damage in accordance with principles of international law becomes available. Delay may occur in presenting some of the claims, particularly those involving serious personal injuries, since the extent of injury may not be ascertainable until a later date.

Enclosures:

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